Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0820-IHW-E TCEQ ID: RN104791421 CASE NO.: 33457

RESPONDENT NAME: INEOS AMERICAS LLC

		•
ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER	
_AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
_AIR	MULTI-MEDIA (check all that apply)	X INDUSTRIAL HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	_OCCUPATIONAL CERTIFICATION
WATER QUALITY	_SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	_DRY CLEANER REGISTRATION
AGRICULTURE	USED OIL	WATER RIGHTS
TYPE OF OPERATION: cumene production SMALL BUSINESS:YesX_No OTHER SIGNIFICANT MATTERS: There facility location. INTERESTED PARTIES: No one other than COMMENTS RECEIVED: The Texas Register Contacts and Mailing List:	ED: 2001 Gulfway Drive, Bldg. 1746, Port Art. on facility are no complaints. There is no record of addition the ED and the Respondent expressed an interseter comment period expired December 7, 2008 Litigation Division, MC 175, (512) 239-0019 Mr. Tom Greimel, Waste Enforcement Section, Reades, Beaumont Regional Office, MC R-10, e-President of Operations, INEOS Americas LL Vay, 1250 Capital of Texas Highway South, B	onal pending enforcement actions regarding this rest in this matter. 3. No comments were received. 3. MC 128, (512) 239-5690 (409) 899-8705 3. C., 1021 Main Street, Ste. 1150,

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS
	그렇게 되는 사람들은 기름을 가고 있는 것 같아. 이 분들은 경우를 가고 있다고 있다.	TAKEN/REQUIRED
Type of Investigation:	Initial Calculated Penalty: \$8,600	Corrective Actions Taken:
Type of Investigation: Complaint X_ Routine Enforcement Follow-up Records Review Date of Complaint Relating to this Case: None Date of Investigation Relating to this Case: October 26, 2006 Date of NOE Relating to this Case: December 22, 2006 Background Facts: The case was referred to the Litigation Division on October 4, 2007. The EDPRP was filed November 5, 2007. The Respondent filed an answer on November 28, 2007. The agreed order was signed September 26, 2008. Current Compliance Status: No outstanding technical requirements. IHW: 1. Failed to complete hazardous waste determinations [30 Tex. ADMIN. Code § 335.62 and 40 CFR § 262.11]. 2. Failed to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal [30 Tex. ADMIN. Code	Initial Calculated Penalty: \$8,600 Total Assessed: \$6,880 Total Deferred: \$0 Expedited Order Financial Inability to Pay SEP Conditional Offset Total Paid to General Revenue: \$6,880 The Respondent paid the \$6,880 administrative penalty in full. Site Compliance History Classification HighX Average Poor Person Compliance History Classification HighX Average Poor Major Source: X Yes No Applicable Penalty Policy: September 2002 Explanation for Initial Calculated Penalty Reduction: The penalty was reduced \$1,720 in consideration of the risk of litigation.	TAKEN/REQUIRED
§ 335.9(a)(1)]. 3. Failed to update the Facility's Notice of Registration [30 Tex. Admin. Code § 335.6(c)].		
4. Failed to properly complete hazardous waste manifests [30 Tex. ADMIN. CODE § 335.10(c) and 40 CFR § 262.20(a)(1)].	,	
5. Failed to maintain an adequate contingency plan [30 TEX. ADMIN. CODE § 335.112(a)(3) and 40 CFR § 265.52].		
6. Failed to maintain accurate records of RCRA training of Facility personnel [30 Tex. ADMIN. CODE § 335.69(a)(4), and 40 CFR §§ 262.34(a)(4) and 265.16(d)(4)].		

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) TCEQ DATES Assigned 27-Sep-2007 Screening 8-May-2007 EPA Due 25-Mar-2007 RESPONDENT/FACILITY INFORMATION Respondent INEOS Americas LLC Reg. Ent. Ref. No. RN104791421 Facility/Site Region 10-Beaumont Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 33457

Multi-Media

Docket No. 2007-0820-IHW-E

Media Program(s) Industrial and Hazardous Waste

PCW Revision May 25, 2007

Admin. Penalty \$ Limit	Minimum \$0	Maximum 9	310,000		~~************************************
	Per	nalty Calculation	n Section		
TOTAL BASE PENALTY ((Sum of violatio	n base penalties)		Subtotal 1	\$8,600
ADJUSTMENTS (+/-) TO Subtotals 2-7 are obtained by	SUBTOTAL 1 multiplying the Total Base	e Penalty (Subtotal 1) by the	indicated percentage.		
Compliance History		0% En	hancement	Subtotals 2, 3, & 7	. \$0
Notes	No change due	e to Average Performer	classification.		
Culpability	No.	0% En	hancement	Subtotal 4	\$0
Notes	The Responden	nt does not meet the cu	lpability criteria.		
Good Faith Effort to C		0% F	Reduction .	Subtotal 5	\$0
Extraordinary					
Ordinary	X (mark with :	 x)			
Notes	The Responden	nt does not meet the go	od faith criteria.		
Total Approx. Cost of	EB Amounts \$81 f Compliance \$3,000	*Capped at th	ancement* ne Total EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTALS 1-7	7			Final Subtotal	\$8,600
OTHER FACTORS AS JU Reduces or enhances the Final Subtotal	ISTICE MAY REG	QUIRE	0% 30 for -30%.)	Adjustment	. \$0
Notes					
		·	Fir	nal Penalty Amount	\$8,600
STATUTORY LIMIT ADJU	JSTMENT		Fina	l Assessed Penalty	\$8,600
DEFERRAL Reduces the Final Assessed Penalty by	the indicted percentage.	(Enter number only; e.g. 20	0% Redu	ction Adjustment	\$0
Notes		al given for non-expedit			
PAYABLE PENALTY					\$8,600

No. of Violations 6

Order Type 1660

Enf. Coordinator Thomas Greimel
EC's Team EnforcementTeam 6

Screening Date 8-May-2007

Docket No. 2007-0820-IHW-E

PCW

Policy Revision 2 (September 2002)
PCW Revision May 25, 2007

Enter Number Here Adjust.

Respondent INEOS Americas LLC

Case ID No. 33457

Reg. Ent. Reference No. RN104791421

Component Number of...

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Compliance History Worksheet Compliance History Site Enhancement (Subtotal 2)

		Number of			
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
	Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government			
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0 :	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	, iddito	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
	L	Please	e Enter Yes or No		
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
		Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0% -	
		Adjustment Pe			0%
Repea	at Violator (Su	btotal 3) [1] [1] [1] [2] [2] [2] [2] [2] [2] [2] [2] [2] [2		n Safrada	
•	No	Adjustment Pe	ercentage (Sเ	ıbtotal 3) 🛚	0%
Comp	liance History	Person Classification (Subtotal 7)	ta dési	y distri	
	Average P	erformer Adjustment Pe	rcentage (Sเ	ıbtotal 7) 🏻	0%
Comp	liance History	y Summary , , , , , , 于是董麗麗, 不是是一个 , , , , , , , , , , , , , , , , , , ,	train in the second		ay j
	Compliance History Notes	No change due to Average Performer classification.			

Screening Date	8-May-2007	Docket No. 2007-0820-IHW-E	PCW
Respondent	INEOS Americas LLC	Policy Re	evision 2 (September 2002)
Case ID No.		P	CW Revision May 25, 2007
Reg. Ent. Reference No.	RN104791421		
	Industrial and Hazardous Waste		·
Enf. Coordinator			
Violation Number	1	1	
Rule Cite(s)	30 Tex. Admin. Code § 335.62 and	d 40 Code of Fed. Regulations ("CFR") § 262.11	
Violation Description	not conducted a hazardous waste de	determinations. Specifically, the Respondent has termination for the cumene unit's wastewater unit, estigation conducted on October 26, 2006.	
1		Base Penalty	\$10,000
>> Environmental, Property a Release OR Actual Potential >>Programmatic Matrix Falsification	nd Human Health Matrix Harm Major Moderate Minor x Major Moderate Minor	Percent 50%	
Matrix Notes Human h	ealth and the environment will or could protective	be exposed to pollutants which would exceed	
'			\$5,000
Violation Events			
Number of Vio	daily daily monthly	194 Number of violation days	hannon manara and mana
mark only one with an x	quarterly semiannual annual single event x	Violation Base Penalty	\$5,000
	One single event i		
Economic Benefit (EB) for thi	s violation	Statutory Limit Test	
Estimated	i EB Amount	\$42 Violation Final Penalty Total	\$5,000
	This violat	ion Final Assessed Penalty (adjusted for limits) $igl[$	\$5,000

	E	conomic	Benefit V	Vorks	sheet		
Respondent	INEOS America	as LLC					
Case ID No.							
Reg. Ent. Reference No.			, .				
9							V
Media Violation No.		lazardous Waste				Percent Interest	Years of Depreciation
Troid in its		A STATE OF THE STATE OF			1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	15 EB Amount
Item Description		2000 1100,000		.,.			
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	26-Oct-2006	5-Dec-2007	1.1	\$2	\$37	\$39
Engineering/construction	4000	20 001 2000	0 000 2001	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	26-Oct-2006	8-Nov-2006	0.0	\$3	n/a	\$3
Notes for DELAYED costs	investigati	on date to the proj	ected date of cor etermination and	mpliance. classifica	\$1500 is the esti	nit's wastewater cal mated cost to obtair e streams calculated	complete
Avoided Costs	ANNU	JALIZE [1] avoide	d costs before	entering	item (except for	one-time avoided o	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$2,000			TOTAL	. *	\$42

Screening D	Date 8-May-2007	Do	cket No. 2007-0820-IHW-E	PCW (
Respond	dent INEOS Americ	as LLC		Policy Revision 2 (September 2002)
Case ID	No. 33457			PCW Revision May 25, 2007
Reg. Ent. Reference	No. RN104791421			***************************************
Media [Stat	ute] Industrial and I	Hazardous Waste		
	ator Thomas Greim			
Violation Nur	nber 2			-
Rule Ci	te(s)	30 Tex. Admin. C	ode & 335 9/a)/1)	
		oo rex. Admin. o		
Violation Descrip	activities rega or shipped off- documentation	rding the quantities generated site for storage, processing, or on for waste determination and	waste activities and industrial solid w , stored, processed, and disposed o r disposal. Specifically, there was in I classification of waste streams 000 during an investigation conducted on 2006	f on-site sufficient 17512H,
			Base	Penalty \$10,000
>> Environmental, Prope	rty and Human H	lealth Matrix		
	pyd♥. Yfiain inn inv annan fianaininn i	Harm	r viller var versk til et et elektriste fransk fransk fransk en i tre allebreve i stellerist.	Parameter and the second secon
12/47/11 to 16/20/2011	ease Major	Moderate Minor		T A STATE OF THE S
1400-AT-141-40-4	ctual		Davisant 00/	
Pote	ential		Percent 0%	non-term
>>Programmatic Matrix Falsifica	ation Major	Moderate Minor		
1 alsilloe	·	X	Percent 1%	·
<u> </u>				Transport
Matrix Notes		Over 70% of the rule requirer	ment was met.	
			Adjustment	\$9,900
Philip Sygin, nite seem dan al waasin si 1942 walii uha suu Siisha	San ila - Adamini di Salamin Silan Saste	ka pagangki pagkatangkak panakan kiki akkan alam kali Hiri kaki tan 1996 berahasa nanisa	titi dana da	
				\$100
				Charles algera
Violation Events				
Number	of Violation Events	3	194 Number of violation days	
Number	or violation Events		194 Number of Violation days	
mark only with an		X	Violation Base	Penalty \$300
	Three sir	ngle events (one per waste stre	eam) are recommended.	
Economic Benefit (EB) fo	r this violation		Statutory Limit Tes	
a agus a agus agus agus agus agus agus a	nated EB Amount	\$39	Violation Final Pena	The state of the s
		This violation Fi	nal Assessed Penalty (adjusted fo	or limits) \$300
				SX 196 18 22 19 19 19 19 19 19

gangganing ang mponang saganan tarang magamanggan yang a maken sa mening mening mangamang. 	E	conomic	Benefit W	orks	sheet		
Respondent	INEOS America	as LLC					
Case ID No.	33457						
Reg. Ent. Reference No.	RN104791421						
		łazardous Waste				D	Years of
Violation No.						Percent Interest	Depreciation
Violation ivo.			en og det skalende s Det skalende skalend			5.0	1!
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		en e				
Delayed Costs			•				
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	26-Oct-2006	5-Dec-2007	1.1	\$2	\$37	\$39
Engineering/construction		20 00(200		0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs			C	omplian	ce.	ion date to the proje one-time avoided o	
Avoided Costs	AIVIVE	JALIZE [1] avoide	u costs perore er	0.0	\$0	\$0	\$0
Disposal Personnel				0.0	\$0 \$0	\$0	\$0 \$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0 \$0
Supplies/equipment	<u> </u>			0.0	-\$0	\$0	\$0 \$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
• • •	1	. H		1 ())			\$0
ONE-TIME avoided costs [3]				0.0	\$0 \$0	\$0 \$0	\$0 \$0
• • •				0.0	\$0	\$0 \$0	\$0 \$0

Screening Date	8-May-2007 Docket No. 2007-0820-IHW-E	PCW
Responden	: INEOS Americas LLC Policy	Revision 2 (September 2002)
Case ID No	33457	PCW Revision May 25, 2007
Reg. Ent. Reference No	RN104791421	*
	Industrial and Hazardous Waste	
Enf. Coordinator		
Violation Numbe		=1
Rule Cite(s	30 Tex. Admin. Code § 335.6(c)	
Violation Description	Failed to update the Facility's Notice of Registration ("NOR"). Specifically, the NOR did not contain updated information regarding the Facility's primary contact information, process wastewaters, and the T-2000 wastewater management unit, as documented during an investigation conducted on October 26, 2006	
	Base Penalty	\$10,000
>> Environmental, Property	and Human Health Matrix	
Release OR Actua Potentia	Harm Major Moderate Minor	
>>Programmatic Matrix	and the second state of the second state of the second second second second second second second second second	
Falsification	Major Moderate Minor x Percent 1%	
	Percent 1%	
Matrix Notes	Over 70% of the rule requirement was met.	
	Adjustment \$9,900	<u>)</u>
		\$100
Violation Events		
	L C. T. T. Mumber of violation days	
Number of V	olation Events 3 Number of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event x	, \$300
	Three single events, one for each incomplete manifest, are recommended.	
Economic Benefit (EB) for the	is violation Statutory Limit Test	
Estimate	d EB Amount \$0 Violation Final Penalty Tota	\$300
	This violation Final Assessed Penalty (adjusted for limits	\$300
	The collection in the collection of the collecti	

an makan menandahan menerangan menandahan pengan menenggan seperangan menerangan menerangan melandahan ber	E	conomic l	Benefit W	orks	sheet		energen er
Respondent	INEOS America	as LLC					
Case ID No							
Reg. Ent. Reference No.							
	Industrial and H	lazardous Waste				Percent Interest	Years of Depreciation
Violation No						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description					***		
Delayed Costs			-	1 00	, ·		40
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	, \$0 00	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Ļand				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$150	26-Oct-2006	8-Nov-2006	0.0	\$0 -	n/a	\$0
Notes for DELAYED costs			cor	npliance	date.	om the investigation	
Avoided Costs	ANIN	JALIZL [1] avoide	d Coata Deloie e	0.0	\$0	\$0	\$0
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling	L			0.0	\$0	\$0 \$0	\$0 \$0
Supplies/equipment							
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
						•	
Notes for AVOIDED costs							
		6450			TOTAL		Ф.О
Approx. Cost of Compliance		\$150			IUIAL		\$0

Screeni	ing Date	8-May-2007	**************************************		Docket I	No. 2007-082	:0-IHW-E	•••••	PCW
Resp	pondent	INEOS Ameri	cas LLC					Policy R	Revision 2 (September 2002)
1	e ID No.							· #	PCW Revision May 25, 2007
Reg. Ent. Refere									
		Industrial and		/aste				,	
1		Thomas Grein	nei						
•	n Number	4							ត
Ru	ıle Cite(s)		30 Tex. Admi	in. Code § 3	35.10(c) and	I 40 CFR § 26	2.20(a)(1)		
Violation De	escription	numbers 39	18930, 37730	14, and 377;	3013 did not	ifests. Specific contain the To lucted on Octo	exas Waste (Codes, as	
							Bas	se Penalty	\$10,000
>> Environmental, Pr	operty a	nd Human	Health Mat	rix					
	Control Section Process	da l'ann	Harm		ea ch' thuillean a' dùr a dh	and the second second second section of the			
6 5	Release	Major	Moderate	Minor	- 1				•
OR	Actual Potential					Percent	0%		-
		5. NV9.05 8585 85 85							
>>Programmatic Mat	rıx Isification	Major	Moderate	Minor	Statement of the L			•	•
	isincation	Wiajoi	Moderate	X	ī	Percent	1%		
<u> </u>		<u></u> !					<u> </u>		
Matrix Notes		:	Over 70% o	of the rule red	quirement w	as met.			
	eli ni Ladimi se a			SPATERS		Adjustmen	t	\$9,900]
	oliani attimia uni	Greffreiden valde teen	Pala da walio di Atlanti	in later in illustrate but before	Mining Simote in Mr. Anin	and the contraction that are	<u></u>	······································	
									\$100
Violation Events					78 778 285	(855)			
Violation Events									
Nur	nber of Vic	lation Events	3		14	Number o	of violation da	ys	
	irk only one with an x	daily monthly quarterly				`	Violation Bas	se Penalty	\$300
		semiannual annual single event	X						
· ·		Three	e single events	s (one per m	anifest) are	recommended	1.		
Economic Benefit (El	B) for thi	s violation				Statuto	ry Limit Te	st	
	Estimates	IEB Amount	•	•	0	Violati	ion Final Per	nalty Total	\$300
	⊑sumatec	i EB Amount		4	<u></u>	violat	ion i mai rei	iaity i Otal	ψουσ
				This violation	on Final As	sessed Penal	ty (adjusted	for limits)	\$300
			的一位 化二甲基						

000 VICTOR V	E	conomic	Benefit W	orks/	sheet		
Respondent	INEOS America	is LLC					
Case ID No.							
Reg. Ent. Reference No.							
•		azardous Waste			4		Years of
		azardous vvasie				Percent Interest	Depreciation
Violation No.	4					,1	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs							
Equipment				0.0	\$0 .	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	26-Oct-2006	8-Nov-2006	0.0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	location an	d description of th	is equipment calc	ulated fro	om the investigation	rgency equipment on date to the completion	iance date.
Disposal		[.]		0.0	\$0	\$0 T	\$0
Personnel				0.0	\$0	\$0	\$0 \$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)			7	0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$250		_	TOTAL		\$0

Respondent NEOS Americas LLC Case ID No. 34867 Reg. Ent. Reference No. 34877 Reg. Ent. Reference No. RN104791421 Media [Statute] incustrial and Hazardous Waste Enf. Coordinator Thomas Crelinal Violation Number	Scre	ening Date	8-May-2007	***************************************	D	ocket No. 2007-08	820-IHW-E	PCW
Reg. Ent. Reference No. RN104791421 Media [Statute] Industrial and Hazardous Waste	R	Respondent	INEOS Ameri	icas LLC			Polic	cy Revision 2 (September 2002)
Media [Statute] Industriel and Hazardous Waste Enf. Coordinator Thomas Greenel Violation Number 30 Tex. Admin. Code § 335.112(a)(3) and 40 CFR § 265.52(e) Rule Cite(e) 30 Tex. Admin. Code § 335.112(a)(3) and 40 CFR § 265.52(e) Failed to maintain an adequate contingency plan. Specifically, the Facility's contingency plan in the location and description of this equipment, as documented during an investigation conducted on October 26, 2006 Sease Penalty \$10,000 Sease Penalty \$10,000	(Case ID No.	33457					PCW Revision May 25, 2007
Enf. Coordinator Thomas Greimel Violation Number 5 Rule Cite(s) 80 Tex. Admin. Code § 335.112(a)(3) and 40 CFR § 265.82(e) Falled to maintain an adequate contingency plan. Specifically, the Facility's contingency plan did not include a list of all emergency equipment on site, and the location and description of this equipment, as documented during an investigation conducted on October 26, 2006 Base Penalty \$10,000 See Penalty \$10,000 See Penalty \$10,000 Percent OR Actual Percent Minor OR Actual Percent Minor Falsification Major Moderate Minor Foreinitation Adjustment \$9,900 \$100 Violation Events Number of Violation Events Adjustment \$9,900 \$100 Violation Events Two single events are recommended. Economic Benefit (EB) for this violation Estimated EB Amount \$0 Violation Final Penalty Total \$2 Violation Final Penalty Total \$3 Violation Final Penalty Total \$3 This violation Final Assessed Penalty (adjusted for limits) \$300	Reg. Ent. Ref	ference No.	RN10479142	1				
Violation Number Rule Cite(s) 30 Tex. Admin. Code § 335.112(a)(3) and 40 CFR § 265.52(e) Failed to maintain an adequate contingency plan. Specifically, the Facility's contingency plan did not include a list of all emergency equipment on site, and the location and description of this equipment, as documented during an investigation conducted on Cotober 26, 2006 Passe Penalty \$10,000 **Base Penalty** **Base Penalty** **Base Penalty** **Porternia** **Porternia** **Porternia** **Porternia** **Porternia** **Porternia** **Over 70% of the rule requirement was met. **Violation Events** **Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Violation Base Penalty** **Single event** **Two single events are recommended.** **Economic Benefit (EB) for this violation **Estimated EB Amount** **Single events are recommended.** **This violation Final Penalty Total** **Single United Test** **Single Estimated EB Amount** **Sing	Med	ia [Statute]	Industrial and	Hazardous V	Vaste		,	
Substitution Subs	Enf. C	Coordinator	Thomas Grei	mel	•	•		
Falled to maintain an adequate contingency plan. Specifically, the Facility's contingency plan did not include a list of all emergency equipment on site, and the location and description of this equipment, as documented uning an investigation conducted on October 26, 2006 Base Penalty \$10,000	Viola	ation Number	5					
Failed to maintain an adequate contingency plan. Specifically, the Facility's contingency plan did not include a list of all emergency equipment on site, and the location and description of this equipment, as documented during an investigation conducted on October 26, 2006 Base Penalty		Rule Cite(s)		30 Tex. Admi	n. Code § 335.1	12(a)(3) and 40 CFR	R § 265.52(e)	
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OR Actual Percent O% >>Programmatic Matrix Falsification Major Moderate Minor Percent 1% Matrix Notes Over 70% of the rule requirement was met. Adjustment \$9,900 \$100 Violation Events Number of Violation Events Adjustment \$9,900 \$100 Violation Events Number of Violation Events Two single events are recommended. Economic Benefit (EB) for this violation Estimated EB Amount \$0 Violation Final Penalty Total \$200 This violation Final Assessed Penalty (adjusted for limits) \$200	>> Environmental	, Property a	nd Human		rix			
OR Actua Potentia Percent 096 >>Programmatic Matrix Falsification Major Moderate X Percent 196 Matrix Notes Over 70% of the rule requirement was met. Adjustment \$9,900 \$100 Violation Events Number of Violation Events 2 14 Number of violation days daily monthly monthly semiannual single event X semiannual single event X Two single events are recommended. Economic Benefit (EB) for this violation Estimated EB Amount \$0 Violation Final Penalty Total \$200 This violation Final Assessed Penalty (adjusted for limits) \$200		Release	Major		Minor	•		
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Respondent	INEOS Americ	as LLC					•
Case ID No.	33457				·	•	
Reg. Ent. Reference No.							
		Hazardous Waste					Years of
		iazai doda vvaste			•	Percent Interest	Depreciation
Violation No.	. 5					l	- 1
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						•
Delayed Costs							•
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)			-	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$100	26-Oct-2006	8-Nov-2006	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs			investigation da	ite to the	compliance date.	cility personnel calcu	·
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0 ·	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$ 0
Notes for AVOIDED costs							
	<u> </u>						

Scre	ening Date	8-May-2007			Oocket No. 2007-0820-IHW-E		PCW
F	Respondent	INEOS Amer	icas LLC			Policy Revision 2 (Se	eptember 2002)
	Case ID No.					PCW Revisio	n May 25, 2007
Reg. Ent. Ref	ference No.	RN10479142	21				1
	lia [Statute]			aste •			
Enf. C	coordinator	Thomas Grei	imel		· · · · · · · · · · · · · · · · · · ·		ATTENDED
Viol	ation Number	6					
	Rule Cite(s)	30 Tex. A	dmin. Code § 3	335.69(a)(4) ar	nd 40 CFR §§ 262.34(a)(4) and 265.16	(d)(4)	Manuscript Control of
· Violatio	n Description	the amount	of RCRA traini	ng of Facility p	CRA training of Facility personnel. Spe personnel on October 23 and 24, 2006 evestigation conducted on October 26,	was not	The second secon
	·				Base	Penalty	\$10,000
>> Environmental	Property a	nd Human	Health Mati	rix .			
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	Release	Major	Moderate	Minor			
OR	Actual						
	Potential				Percent 0%	<i>;</i>	
							91
>>Programmatic I	VIATRIX Falsification	Major	Moderate	Minor			
	Faisincation	Wajoi X	Widdelate	WIIITO	Percent 25%		
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Matrix Notes			Over 70%	of the require	ment was met.		THE CASE OF THE CA
					Adjustment	\$7,500	£ .
	ABLE NEW MINISTER OF THE PROPERTY OF THE PROPE	en ingariumie ireki menika.	a (Malain 1991), a hill fi tha Malain (Martaba	ily, Juda joury Turk <mark>e</mark> thus coman	SELEP+N2CSE and Will≥1001a arts		
							\$2,500
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	Number of Vic	lation Events	1	1	Number of violation days	;	
	1	daily					
	·	monthly					,
	mark only one	quarterly			Violation Base	Penalty	\$2,500
	with an x	semiannual				<u> </u>	
		annual		,			
		single event	11				
	Ir					 1	
			One sin	gle event is re	commended.		
Economic Benefit	t (EB) for thi	s violation			Statutory Limit Tes	! t	
was and the second of the seco					Walatian Final Book	lh. Total	PO 500
	Estimated	EB Amount		\$0	Violation Final Pena	ity rotai	\$2,500
				This violation	Final Assessed Penalty (adjusted fo	or limits)	\$2,500
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Respondent	INEOS America	as LLC	`				
Case ID No.							
Reg. Ent. Reference No.							
		łazardous Waste					Years of
Violation No.	*********	iazaidous vvasic				Percent Interest	Depreciation
Violation No.	o .	,				1	
			1.00			5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs Other (as needed)				0.0	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs		1					
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Avoided Costs	ANN	JALIZE [1] avoide	d Costs before et	0.0	\$0	\$0	\$0
Disposal				0.0	\$0	\$0 \$0	\$0
Personnel		<u> </u>		0.0	\$0	\$0	\$0 \$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0 \$0
Supplies/equipment Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs						us waste resulting from the investigation d	

Compliance History

Customer/	Respondent/Owner-Operator:	CN602805236	INEOS Americas LLC		Classification: AVERAGE	Rating: 2.00
Regulated	Entity:	RN104791421	INEOS PHENOL A DIVISIO INEOS AMERICAS	N OF	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number	(s):	GENERATION	D HAZARDOUS WASTE	EPA ID SOLID WAS	STE REGISTRATION #	TXR000065730 87775
Location:		GENERATION 2001 GULFWAY I 77640	DR BLDG 1746, PORT ARTHU	(SWR) R, TX,	Rating Date: 9/1/2006 Repe	at Violator: NO
TCEQ Reg	ion:	REGION 10 - BEA	UMONT			
Date Comp	oliance History Prepared:	May 23, 2007				
Agency De	cision Requiring Compliance History:	Enforcement				
Complianc	e Period:	May 23, 2002 to M	lay 23, 2007			
TCEQ Stat	f Member to Contact for Additional Informa	ation Regarding this	Compliance History			
Name:	Mike Limos	Ph	one: <u>512.239.5839</u>			•
		Site	Compliance History Comp	onents		
1. Has the	site been in existence and/or operation for			No		
	re been a (known) change in ownership of			No .		
	tho is the current owner?		e e	N/A		
4. if Yes, v	vho was/were the prior owner(s)?			N/A		
5. When d	id the change(s) in ownership occur?			N/A		-
Compone	ents (Multimedia) for the Site :				,	_
Α.	Final Enforcement Orders, court judgeme	nts, and consent de	crees of the state of Texas and	the federal gov	ernment.	
	N/A	,				
В.	Any criminal convictions of the state of Te N/A	exas and the federal	government.			
C.	Chronic excessive emissions events.					
	N/A					
D.	The approval dates of investigations. (CC 1 12/22/2006 (516525) 2 12/29/2006 (513277)	EDS Inv. Track. No.				
Ε.	Written notices of violations (NOV). (CCE	DS Inv. Track. No.)				
F.	Environmental audits. N/A					
G.	Type of environmental management system	ems (EMSs).				
	N/A					
Н.	Voluntary on-site compliance assessmen	t dates.				
	N/A					
1.	Participation in a voluntary pollution reduc	ction program.				
	N/A					
J.	Early compliance.					
	N/A					
Sites Outs	de of Texas					
	N/A					

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
INEOS AMERICAS LLC	§	
RN104791421	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0820-IHW-E

I. JURISDICTION AND STIPULATIONS

At its	agenda, the Texas Commission on Environmental Quality
("Commission" or "TCEQ") considered	ed this agreement of the parties, resolving an enforcement
action regarding INEOS Americas LLC	C ("INEOS") under the authority of Tex. WATER CODE ch. 7
and Tex. Health & Safety Code ch. 3	61. The Executive Director of the TCEQ, represented by the
Litigation Division, and INEOS, repre	sented by John J. Vay, appear before the Commission and
together stipulate that:	

- 1. INEOS owns and operates a cumene production facility located at 2001 Gulfway Drive, Bldg. 1746, Port Arthur, Jefferson County, Texas (the "Facility").
- 2. This Agreed Order is entered into pursuant to Tex. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to Tex. WATER CODE § 5.013 because it alleges violations of Tex. Health & Safety Code ch. 361 and TCEQ rules.
- 3. The Commission and INEOS agree that the Commission has jurisdiction to enter this Agreed Order, and that INEOS is subject to the Commission's jurisdiction.
- 4. INEOS received notice of the violations alleged in Section II ("Allegations") on or about December 27, 2006.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by INEOS of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of six thousand eight hundred eighty dollars (\$6,880.00) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). INEOS has paid six thousand eight hundred eighty dollars (\$6,880.00) of the administrative penalty.

- 7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and INEOS have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that INEOS has implemented the following corrective measures at the Facility in response to this enforcement action:
 - a. Conducted a hazardous waste determination for the cumene unit's wastewater;
 - b. Implemented a program to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of onsite or shipped off-site for storage, processing, or disposal;
 - c. Updated the Facility's Notice of Registration;
 - d. Implemented a program to begin properly completing hazardous waste manifests;
 - e. Updated the Facility's contingency plan; and
 - f. Began maintaining accurate records of RCRA training of Facility personnel.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that INEOS has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. INEOS is alleged to have violated:

- a. 30 Tex. ADMIN. CODE §§ 335.62 and 40 CFR § 262.11, by failing to complete hazardous waste determinations. Specifically, INEOS failed to conduct a hazardous waste determination for the cumene unit's wastewater;
- b. 30 Tex. Addin. Code § 335.9(a)(1), by failing to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal. Specifically, there was insufficient documentation for waste determination and classification of waste streams 0007512H, 0001409H, and 0002301H;
- c. 30 Tex. Admin. Code § 335.6(c), by failing to update the Facility's Notice of Registration ("NOR"). Specifically, the NOR did not contain updated information regarding the Facility's primary contact information, process wastewaters, and the T-2000 wastewater management unit;
- d. 30 Tex. Addin. Code § 335.10(c) and 40 CFR § 262.20(a)(1), by failing to properly complete hazardous waste manifests. Specifically, box I on manifest numbers 3918930, 3773014, and 3773013 did not contain the Texas Waste Codes;
- e. 30 Tex. Admin. Code § 335.112(a)(3) and 40 CFR § 265.52(e), by failing to maintain an adequate contingency plan. Specifically, the Facility's contingency plan did not include a list of all emergency equipment on site or the location and description of the equipment; and
- f. 30 Tex. ADMIN. Code § 335.69(a)(4), and 40 CFR §§ 262.34(a)(4) and 265.16(d)(4), by failing to maintain accurate records of RCRA training of Facility personnel. Specifically, the amount of RCRA training of Facility personnel on October 23 and 24, 2006, was not recorded.

III. DENIALS

1. INEOS generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that INEOS pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and INEOS's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here.

INEOS Americas LLC DOCKET NO. 2007-0820-IHW-E Page 4

- 2. The provisions of this Agreed Order shall apply to and be binding upon INEOS.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against INEOS in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 5. Under 30 Tex. ADMIN. CODE § 70.10(b) and Tex. Gov't. Code § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to INEOS, or three days after the date on which the Commission mails notice of the Order to INEOS, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

INEOS Americas LLC DOCKET NO. 2007-0820-IHW-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Johnson Perdu	11/11/08
For the Executive Director	Date
authorized to agree to the attached Agreed	order on behalf of the entity, if any, indicated below my onditions specified therein. I further acknowledge that the lty amount, is materially relying on such representation.
I also understand that my failure to comply INEOS's failure to timely pay the penalty	with the Ordering Provisions, if any, in this order and/or amount, may result in:
additional penalties, and/or attorne	lications submitted by INEOS; rney General's office for contempt, injunctive relief, by fees, or to a collection agency; inforcement actions against INEOS; General's Office of any future enforcement actions against
In addition, I understand that any falsificat prosecution	tion of any compliance documents may result in criminal
Ron Deakins Signature	
Ron Deakins Name (Printed or typed) Authorized representative of INEOS Americas LLC	<u>VP Operations</u> - US Title